

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

OP.No. 18041 of 1999(W)

PETITIONER:

Harrisons Malayalam Limited, Door No.24/1624, Bristow Road, Willingdon Island, Cochin 682 003, represented by its Chief Manager - Legal V.Venugopal.

BY ADV. SRI.A.M. SHAFFIQUE

RESPONDENTS:

1. Kunhimohammed, Worker No.2174, S/o. Saidalavi, Mundakkai P.O., Meppadi, Via. Vellarimala Village, Vythiri Taluk, Wayanad District.
2. The Munsiff, Kalpetta, Wayanad District.

BY GOVERNMENT PLEADER SMT. R.BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) 18041/99

Appendix

Petitioner's Exts:

Ext.P1 true copy of memo filed by Smt.V.M. Cicily, Advocate Commissioner dated 18.12.98.

Ext.P2 true copy of judgment dated 23.12.98 in OS 313/95 passed by the Munsiff, Kalpetta.

M.N.Krishnan, J.

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O.P.No.18041 of 1999

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Dated this the 5th day of October, 2007.

JUDGMENT

This Original Petition is preferred against Ext.P2 order. A perusal of Ext.P2 would reveal that the suit has been dismissed for default. When a suit has been dismissed for default, remedy is provided under Order 9 Rule 9 of C.P.C. to get it restored. Without resorting to that remedy, the petitioner has come forward with an Original Petition. I am not inclined to entertain the same.

2. Therefore, this Original Petition is dismissed. If the petitioner wants to file an application for restoration and as there is considerable delay when such application is moved pendency of this Original Petition before this Court may be considered for condoning the delay.

M.N.Krishnan,
Judge.